

The well established general rule is that, absent extraordinary circumstances, the district court should not consider § 2255 motions while a direct appeal is pending. *See United States v. Weaver*, No. 97-6443, 121 WL 468277, at \*1 (4th Cir. Aug. 18, 1997) (unpublished) (citing *Bowen v. Johnston*, 306 U.S. 19, 26-27

(1939)). Ketron's motion fails to present extraordinary circumstances compelling this court to address his claims under § 2255 during the pendency of his direct appeal. Moreover, dismissal of the § 2255 motion without prejudice will not prevent Ketron from pursuing relief under § 2255 after appeal proceedings are completed. *Villaneuva v. United States*, 346 F.3d 55, 60 (2d Cir. 2003) (finding that prior § 2255 motion dismissed as premature did not trigger successive petition bar).

For these reasons, I will dismiss the § 2255 motion without prejudice as premature and dismiss the defendant's motion to proceed in forma pauperis as moot. A separate Final Order will be entered herewith.

DATED: July 29, 2011

/s/ James P. Jones

United States District Judge